

EXHIBIT A

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030/058

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10 Attorneys for Plaintiffs
11 CAROL ANN DAVIES and HARRY
12 DAVIES

13 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 FOR THE COUNTY OF LOS ANGELES

15 Coordination Proceeding
16 Special Title (Rule 1550(b))
17 VIOXX® CASES

18 CAROL ANN DAVIES and HARRY
19 DAVIES,

20 Plaintiffs,

21 v.
22 MERCK & COMPANY, INC., a
23 corporation; MCKESSON
24 CORPORATION, a corporation;
25 AMERISOURCEBERGEN DRUG
26 CORPORATION, a corporation;
27 PFIZER, INC.; PHARMACIA
28 CORPORATION; G.D. SEARLE
LLC, (FKA G.D. SEARLE & CO.);
DOES 1 to 100; PHARMACEUTICAL
DEFENDANT DOES 101 to 200, and
DISTRIBUTOR DEFENDANT DOES
201 to 300, inclusive,

Defendants.

) JCCP No. 4247

) Case No.: BC 359104

) County of Origin: Fresno
Superior Court

(By Order of the Honorable Victoria G.
Chaney, the designated county of origin
shall be deemed, and is stipulated to be, the
original county in which this case was
initially filed and pending for purposes of
removal under U.S.C. § 1441(a) and
potential trial venue.)

) COMPLAINT: AMENDED NOTICE OF
ADOPTION OF VIOXX MASTER
COMPLAINT (2005 Amended NOA)

) Assigned to Honorable Victoria G. Chaney,
Department 324

BY FAX

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1 Plaintiffs, CAROL ANN DAVIES and HARRY DAVIES, complain against Defendants,
 2 and each of them, and allege as follows:

3 Pursuant to the Court's Case Management Order No. 3: General Pre-trial Order and Case
 4 Management Order No. 6: Order Regarding Direct Filing, Plaintiff, CAROL ANN DAVIES and
 5 HARRY DAVIES, hereby adopt the Master Complaint, and any rulings or orders of the Court
 6 relating thereto:

7 1. (a) Causes of action and Parties alleged in the Master Complaint. Plaintiff
 8 incorporates by reference each of the causes of action in the Master
 9 Complaint checked below:

- 10 Strict Liability – Failure to Warn
- 11 Negligence
- 12 Negligence Per Se
- 13 Breach of Implied Warranty
- 14 Breach of Express Warranty
- 15 Deceit by Concealment
- 16 Negligent Misrepresentation
- 17 Violation of Business & Professions Code § 17200
- 18 Violation of Business & Professions Code § 17500
- 19 Wrongful Death
- 20 Survivor Action
- 21 Loss of Consortium

22 (b) Causes of Action and/or Parties not alleged in the Master Complaint.

23 Plaintiff alleges additional causes of action and/or names additional parties not
 24 mentioned in the Master Complaint as follows: PFIZER, INC.; PHARMACIA CORPORATION;
 25 G.D. SEARLE LLC. (FKA G.D. SEARLE & CO.). See attached addendum.

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1 2. Plaintiff is a resident of the State of California, County of Fresno. Plaintiff's
 2 injuries as alleged in this litigation occurred in the County of Fresno, in the State of California.

3 3. Plaintiff is/ is not claiming damages for mental and/or emotional distress.

4 4. Plaintiff CAROL ANN DAVIES is an individual who ingested Vioxx,
 5 Celebrex and/or Bextra, and who asserts claims for damages herein by complaining of the
 6 following injuries: Including but not limited to gastrointestinal bleeding, blood pressure
spikes, abnormal blood work, and economic damages.

7
 8 Plaintiff HARRY DAVIES is the spouse of CAROL ANN DAVIES, an
 9 individual who ingested Vioxx, Celebrex and/or Bextra and allegedly sustained personal injuries
 10 as a result.

11 Plaintiff's decedent, _____, is an individual who ingested
 12 Vioxx, Celebrex and/or Bextra and allegedly sustained fatal injury as a result. The following
 13 plaintiffs and heirs of plaintiff's decedent, or other persons entitled to bring an action for the
 14 wrongful death of plaintiff's decedent, and bring the causes of action alleged herein pursuant to
 15 Code of Civil Procedure § 377.60: _____

16 Plaintiff is a personal representative or successor in interest to decedent,
 17 _____, who ingested Vioxx, Celebrex and/or Bextra and allegedly sustained fatal
 18 injury as a result, and is authorized to bring a survivor action on behalf of the decedent pursuant
 19 to Code of Civil Procedure § 377.31, et seq. Plaintiff has been appointed as the decedent's
 20 personal representative or successor in interest by the following court, on the following date:

21
 22 5. The Vioxx, Celebrex and/or Bextra ingested by plaintiff or decedent was
 23 purchased at the following pharmacies (*provide name and address of each pharmacy*): Kaiser
Permanente Pharmacy, 7300 N. Fresno Street, Fresno, CA.

24
 25 6. (*If plaintiff alleges a cause of action for deceit by concealment and/or a cause of*
action for negligent misrepresentation, plaintiff must complete this section.) Plaintiff claims that

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1 defendants are liable to plaintiff for deceit by concealment and/or negligent misrepresentation
 2 based on the following allegations:

3 (a) What allegedly false statement(s) did defendants make to you or your
 4 doctor (*if doctor, state the name and address of the doctor*)?: In an effort to increase sales of the
 5 drug and improve profits, defendants concealed and misrepresented the safety of Vioxx,
 6 Celebrex, and Bextra by and through documents and pharmaceutical representatives. Defendants
 7 did not include accurate portrayals of the risks associated with Vioxx, Celebrex and Bextra and
 8 concealed the serious cardiovascular and other risks of Vioxx, Celebrex and Bextra. Defendants
 9 knew of these adverse risks through clinical trials and adverse event reports as well as other
 10 sources, yet did not divulge the information.

11 (b) State the name and job title of the individual(s) who made the above-
 12 described statements to you or your doctor?: On information and belief, defendants and
 13 defendants' sales representatives withheld and denied the adverse health effects.

14 (c) When, and by what means (e.g., writing, oral statement, television, Internet,
 15 etc.), were the above-described statements made to you or your doctor?: On information and
 16 belief, written communications, oral statements and other means were used to misrepresent the ill
 17 effects of Vioxx, Celebrex and Bextra. Defendants concealed the significant increases in adverse
 18 cardiovascular events among Vioxx, Celebrex and Bextra users in all means of communication.

19 (d) When, and how, did you or your doctor rely on the above-described
 20 statements?: Plaintiff's doctor relied on the misrepresentation and concealment by prescribing
 21 Vioxx, Celebrex and Bextra as treatment. Plaintiff relied on the misrepresentation by purchasing
 22 and ingesting the dangerous drugs.

23 (e) If the above-described statements were false by virtue of defendants'
 24 concealment of facts that were known by defendants, state the facts that were concealed and that,
 25 if known by you or your doctor, would have prevented your alleged injury: Defendant concealed
 26 the serious cardiovascular and other risks associated with Vioxx, Celebrex and Bextra. Defendant

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1 withheld findings from adverse event reports, clinical trials and studies which showed statistically
2 significant increases in cardiovascular events among Vioxx, Celebrex and Bextra users.

3 7. Plaintiff requests the relief checked below:

- 4 Past and future general damages, according to proof.

5 Past and future medical and incidental expenses, according to proof.

6 Past and future loss of earnings and/or earning capacity, according to proof.

7 Punitive and exemplary damages, where permitted by law.

8 Damages for past and future mental and/or emotional distress, according to
9 proof.

10 Damages for past and future loss of consortium, according to proof.

11 Costs of suit incurred herein.

12 Injunctive relief (specify): _____
13 _____
14 _____
15 Other (specify): For disgorgement of profits according to proof, for
16 attorneys fees and for other such and further relief as this Court deems just
17 and proper.

Dated: September 21, 2006

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By

ALISSA S. HOLT
Attorneys for Plaintiff
CAROL ANN DAVIES and HARRY DAVIES